

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Sampson	Team: Squad #8	CCRB Case #: 201803967	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/01/2018 , Wednesday, 05/02/2018 1:00 AM	Location of Incident: [REDACTED]	Precinct: 79	18 Mo. SOL 11/2/2019	EO SOL 11/2/2019	
Date/Time CV Reported Fri, 05/18/2018 3:25 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/18/2018 3:25 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Colin Kogan	21160	958769	HBK RT
2. POM Paulewin Maurice	17495	955152	HBK RT
3. POM Cory Levy	19666	958812	HBK RT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Isaac Souchak	20508	959263	HBK RT

Officer(s)	Allegation	Investigator Recommendation
A.POM Colin Kogan	Abuse: Police Officer Colin Kogan questioned § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Colin Kogan	Abuse: Police Officer Colin Kogan threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Paulewin Maurice	Discourtesy: Police Officer Paulewin Maurice spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Paulewin Maurice	Abuse: Police Officer Paulewin Maurice frisked § 87(2)(b) [REDACTED]	[REDACTED]
E.POM Paulewin Maurice	Abuse: Police Officer Paulewin Maurice searched § 87(2)(b) [REDACTED]	[REDACTED]
F.POM Paulewin Maurice	Abuse: Police Officer Paulewin Maurice frisked § 87(2)(b) [REDACTED]	[REDACTED]
G.POM Paulewin Maurice	Abuse: Police Officer Paulewin Maurice searched § 87(2)(b) [REDACTED]	[REDACTED]
H.POM Cory Levy	Abuse: Police Officer Cory Levy frisked § 87(2)(b) [REDACTED]	[REDACTED]
I.POM Cory Levy	Abuse: Police Officer Cory Levy searched § 87(2)(b) [REDACTED]	[REDACTED]
J.POM Cory Levy	Abuse: Police Officer Cory Levy searched the vehicle in which § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] were occupants.	[REDACTED]
K.POM Paulewin Maurice	Abuse: Police Officer Paulewin Maurice searched the vehicle in which § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] were occupants.	[REDACTED]

### Case Summary

On May 18, 2018, § 87(2)(b) filed this complaint via telephone with the Civilian Complaint Review Board on behalf of himself, § 87(2)(b) Ellis, and § 87(2)(b).

On May 2, 2018, at approximately 1:00 a.m., PO Paulewin Maurice and PO Colin Kogan, both of the Housing Borough Brooklyn Response Team, stopped § 87(2)(b)'s vehicle at § 87(2)(b) in Brooklyn. Upon approaching § 87(2)(b)'s window, PO Kogan allegedly asked him if he had been drinking (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Kogan then requested § 87(2)(b)'s license and registration and allegedly warned § 87(2)(b) that if he asked for the documents one more time then he would be arrested (**Allegation B: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) told the officers about his military service, to which PO Maurice allegedly responded, "I don't give a fuck about that" (**Allegation C: Discourtesy**, § 87(2)(g)). PO Isaac Souchak and PO Cory Levy, also of the Housing Borough Brooklyn Response Team, responded to the stop and all the occupants were instructed to step out of the vehicle. PO Maurice frisked § 87(2)(b) and § 87(2)(b) and allegedly searched them (**Allegations D and F: Abuse of Authority**, § 87(2)(g); **Allegations E and G: Abuse of Authority**, § 87(2)(g)). PO Levy frisked § 87(2)(b) and allegedly searched him (**Allegations H and I: Abuse of Authority**, § 87(2)(g)). PO Maurice and PO Levy searched § 87(2)(b)'s vehicle (**Allegations J and K: Abuse of Authority**, § 87(2)(g)). PO Kogan issued § 87(2)(b) four summonses for § 87(2)(b) [BR 01]. The investigation does not possess any video footage of this incident.

### Findings and Recommendations

**Allegation A – Abuse of Authority: Police Officer Colin Kogan questioned** § 87(2)(b)

**Allegation B – Abuse of Authority: Police Officer Colin Kogan threatened to arrest** § 87(2)(b)

**Allegation C – Discourtesy: Police Officer Paulewin Maurice spoke discourteously to** § 87(2)(b)

It is undisputed that PO Maurice and PO Kogan stopped § 87(2)(b)'s vehicle and that § 87(2)(b) spoke to PO Maurice about his military service. It remains disputed if PO Kogan questioned § 87(2)(b) if PO Kogan threatened to arrest § 87(2)(b) or if PO Maurice spoke discourteously towards § 87(2)(b). § 87(2)(b) was interviewed at the CCRB on May 22, 2018 [BR 02]. He stated that he offered to give his friends, § 87(2)(b) and § 87(2)(b) a ride to the subway from his apartment located at § 87(2)(b) § 87(2)(b). The three men walked to § 87(2)(b)'s vehicle, which was parked at § 87(2)(b) § 87(2)(b). § 87(2)(b) sat in the front passenger's seat and § 87(2)(b) sat behind § 87(2)(b) in the back-passenger seat. § 87(2)(b) realized that he forgot something, so he exited § 87(2)(b)'s vehicle and walked back to § 87(2)(b)'s apartment. A few minutes later, § 87(2)(b) returned and § 87(2)(b) pulled out of the parking space. § 87(2)(b) then noticed police lights behind him and pulled over. § 87(2)(b) did not acknowledge if he utilized a turn signal when leaving the parking space and said that there were no pedestrians attempting to cross the street when he proceeded down § 87(2)(b). However, because he was summonsed for the violations, no vehicle stop allegation was pled. PO Kogan approached § 87(2)(b)'s driver's side window while PO Maurice approached the passenger side. Immediately after § 87(2)(b) lowered his window, PO Kogan asked him several times if he had been drinking. At no time prior to entering the vehicle or while sitting in the vehicle did § 87(2)(b) or § 87(2)(b) consume any alcoholic beverages. § 87(2)(b) initially responded by asking PO Kogan why he was stopped. He then told PO Kogan that if he believed § 87(2)(b) was intoxicated then he should administer a breath test or have him walk in a straight line. PO Kogan then requested § 87(2)(b)'s license and registration. As § 87(2)(b) reached for his documents, he again asked PO Kogan why he was stopped. PO Kogan responded by asking if § 87(2)(b) was refusing to provide his documentation. § 87(2)(b) told PO Kogan that he was in the process of retrieving his documents and that he wanted to know why he was stopped. PO Kogan re-iterated that § 87(2)(b) was

refusing to provide his license and registration. PO Kogan then informed § 87(2)(b) that if he asked for the documents one more time then he would take him to jail. After providing his license and registration, § 87(2)(b) told PO Maurice that the officers were “doing all of that” to him after he served his country. PO Maurice responded, “I don’t give a fuck about that.”

§ 87(2)(b) did not have any contact information for § 87(2)(b) or § 87(2)(b). Numerous searches were performed to obtain contact information for both individuals [BRs 03 through 07]. However, the searches did not yield any clear matches for § 87(2)(b) or § 87(2)(b). As a result, neither could be reached for a statement.

PO Maurice was interviewed on August 21, 2018 [BR 08]. He stated that he observed § 87(2)(b) and § 87(2)(b) (known to PO Maurice as § 87(2)(b)) leave a group of people they believed were drinking outside of the housing development along § 87(2)(b). PO Maurice believed that the individuals were drinking because there were cans everywhere, there was loud music playing, the individuals were yelling, and the area is known as a spot where people gather to drink. PO Maurice did not observe § 87(2)(b) drink from a can. § 87(2)(b) and § 87(2)(b) then left the group and “rushed” into § 87(2)(b)’s vehicle. There was nothing about the way § 87(2)(b) walked to his vehicle that led PO Maurice to suspect him of intoxication. § 87(2)(b) pulled out of his parking space without signaling and nearly collided with a NYC MTA bus. From inside his vehicle, § 87(2)(b) yelled, threatened, and cursed at the bus driver. PO Maurice could not recall the exact threat § 87(2)(b) made. When § 87(2)(b) proceeded, he nearly hit a pedestrian that was crossing § 87(2)(b). The officers then stopped § 87(2)(b)’s vehicle. PO Kogan approached § 87(2)(b)’s window while PO Maurice approached the passenger side. PO Kogan requested § 87(2)(b)’s identification more than three times but § 87(2)(b) adamantly refused to provide it. PO Maurice did not recall if he heard PO Kogan tell § 87(2)(b) that if he refused to provide his identification he would be arrested. PO Maurice acknowledged speaking to § 87(2)(b) about his military service, but did not recall stating, “I don’t give a fuck about that.”

PO Kogan was also interviewed at the CCRB on August 21, 2018 [BR 09]. He was consistent that he observed § 87(2)(b) and § 87(2)(b) gathered at a location where people are known to consume alcohol. PO Kogan typically observes black plastic bags and Dixie cups at the location but did not see any of the three individuals in possession of either of these items during this incident. A few minutes later § 87(2)(b) and § 87(2)(b) entered § 87(2)(b)’s vehicle. PO Kogan believed that drinking and driving was occurring. PO Kogan was consistent with PO Maurice that § 87(2)(b) nearly collided with a NYC MTA bus after pulling out of his parking space and that § 87(2)(b) screamed and cursed at the bus driver. PO Kogan added that § 87(2)(b) simultaneously honked his horn and flailed his arms. PO Kogan was also consistent that once § 87(2)(b) continued driving along § 87(2)(b) he nearly struck a pedestrian that was attempting to cross the street. Upon stopping § 87(2)(b)’s vehicle, PO Kogan approached § 87(2)(b)’s window and explained to him why he was stopped. PO Kogan did not believe there was any conversation about drinking at § 87(2)(b)’s window and denied that he asked § 87(2)(b) if he had been drinking. PO Kogan did not detect any signs of alcohol consumption from the smell of § 87(2)(b)’s breath. PO Kogan asked § 87(2)(b) multiple times for his license, registration, and vehicle insurance. § 87(2)(b) replied with profanity after each request. After requesting these documents six times, PO Kogan told § 87(2)(b) that he would be placed under arrest if he continued to refuse to provide the documents. After telling him he would be arrested, § 87(2)(b) held the documents in his hand for approximately 30 seconds, cursed some more, and then gave PO Kogan his license, registration, and insurance. PO Kogan did not hear any conversation between PO Maurice and § 87(2)(b) regarding military service. PO Kogan did not hear § 87(2)(b) say that he served his country and did not hear PO Maurice reply, “I don’t give a fuck about that.”

Either PO Maurice or PO Kogan requested an additional unit to the assist in the stop. PO Levy and PO Souchak responded. PO Levy was interviewed at the CCRB on September 13, 2018 [BR 10]. He did not have a full recollection of this incident. He recalled assisting PO Maurice and PO Kogan with a vehicle stop but did not recall any additional information about the encounter. He did not recall if PO Kogan asked any civilians about being intoxicated, if PO Kogan informed an individual that he would be arrested for refusing to provide his documentation, and did not recall hearing any officer state, “I don’t give a fuck about that.” PO Souchak was interviewed at the CCRB on September 18, 2018 [BR 11]. He did not have an independent recollection of this encounter but had a memo book entry noting that he responded to the job. PO Souchak did not recall hearing PO Kogan question § 87(2)(b) about drinking, did not recall hearing PO Kogan threaten to arrest § 87(2)(b) and did not recall hearing PO Maurice state, “I don’t give a fuck about that.”

§ 87(2)(g)

**Allegation D – Abuse of Authority: Police Officer Paulewin Maurice frisked § 87(2)(b)**  
**Allegation E – Abuse of Authority: Police Officer Paulewin Maurice searched Tyrel § 87(2)(b)**  
**Allegation F – Abuse of Authority: Police Officer Paulewin Maurice frisked § 87(2)(b)**  
**Allegation G – Abuse of Authority: Police Officer Paulewin Maurice searched § 87(2)(b)**  
**Allegation H – Abuse of Authority: Police Officer Cory Levy frisked § 87(2)(b)**  
**Allegation I – Abuse of Authority: Police Officer Cory Levy searched § 87(2)(b)**  
**Allegation J – Abuse of Authority: Police Officer Cory Levy searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**  
**Allegation K – Abuse of Authority: Police Officer Paulewin Maurice searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

It is undisputed that PO Maurice frisked § 87(2)(b) and § 87(2)(b) that PO Levy frisked § 87(2)(b) and that PO Maurice and PO Levy searched § 87(2)(b) s vehicle. It remains disputed if PO Maurice or PO Levy searched any of the occupants or if there was an odor of marijuana emanating from § 87(2)(b) s vehicle.

§ 87(2)(b) stated that approximately 10 to 15 minutes after he provided his documents to PO Kogan, PO Kogan returned to his vehicle and instructed everyone to step out. As § 87(2)(b) and § 87(2)(b) exited the vehicle, PO Maurice frisked and searched them. § 87(2)(b) believed that § 87(2)(b) was wearing a black sweater and sweatpants. He did not recall what § 87(2)(b) was wearing. § 87(2)(b) and § 87(2)(b) then walked to the back of § 87(2)(b) s vehicle. § 87(2)(b) refused to exit his vehicle and asked PO Kogan why he needed to exit. At that point, PO Levy approached § 87(2)(b) s door. § 87(2)(b) continued to

refuse to exit the vehicle so PO Levy opened § 87(2)(b)'s door and guided him out of the vehicle by his arm. As § 87(2)(b) stood by the front door, PO Levy asked him if he had anything sharp or dangerous in his pockets. § 87(2)(b) was wearing a hoodie and sweatpants. § 87(2)(b) responded that he did not, at which point PO Levy walked him to the back of his vehicle. PO Levy frisked § 87(2)(b)'s leg and then entered the pocket of his sweatpants. While at the back of his vehicle, § 87(2)(b) turned around briefly and observed an officer, whom he identified as PO Kogan, leaning into his vehicle through the front passenger's side door. Although § 87(2)(b) attributed the search of his vehicle to PO Kogan, the investigation determined that PO Maurice and PO Levy searched § 87(2)(b)'s vehicle. Therefore, the vehicle search allegations were pled against PO Maurice and PO Levy. § 87(2)(b) saw that all four doors of his vehicle were open despite the fact that driver's side door was the only one left open when the occupants exited the vehicle. At the back of his vehicle, § 87(2)(b) asked an officer why his vehicle was being searched. An officer responded that it was due to the odor of marijuana. § 87(2)(b) told the officers that there was no marijuana in his vehicle, that he does not smoke, and that he just had the vehicle cleaned. At no time prior to entering the vehicle or while sitting in the vehicle did § 87(2)(b) or § 87(2)(b) smoke marijuana.

As discussed above, no statements could be obtained from § 87(2)(b) or § 87(2)(b). PO Maurice stated that upon approaching § 87(2)(b)'s vehicle, he observed § 87(2)(b) and the front passenger, § 87(2)(b) moving and "maneuvering" around the lungeable areas of the vehicle. PO Maurice could not articulate exactly what movements he observed, but described it as "moving back and forth between each other." After PO Kogan requested § 87(2)(b)'s license and registration, § 87(2)(b) lowered the front passenger window. At that point, PO Maurice detected a strong odor of marijuana emanating from the vehicle. PO Maurice could not distinguish any bulges on the occupants' clothing because of the way their clothes were bunched up. Once PO Levy and PO Souchak arrived, PO Maurice instructed all the occupants to exit the vehicle because of the odor of marijuana, because § 87(2)(b) initially refused to lower his window, and because § 87(2)(b) refused to provide his identification numerous times. PO Maurice recalled frisking at least one of the occupants for safety and to ensure that no one had any weapons on them. He added that - especially with car stops - it becomes a safety concern when there are multiple occupants inside a vehicle and they are moving around and fidgeting. At that point, the officers do not know where someone could produce something from. However, PO Maurice denied searching the occupant. PO Maurice stated that PO Levy also frisked an individual, possibly § 87(2)(b). PO Maurice denied that PO Levy searched him, despite § 87(2)(b) complaining that he was being searched on scene. Once § 87(2)(b) and § 87(2)(b) were at the back of § 87(2)(b)'s vehicle, PO Maurice and PO Levy searched the lungeable areas of § 87(2)(b)'s vehicle. PO Maurice searched the passenger side panel and floor to determine if the odor of marijuana was emanating from either location. PO Maurice did not recall opening any compartments. PO Maurice did not recall what specific areas of the vehicle PO Levy searched, but knew that he searched the driver's side. Nothing was recovered from the vehicle; however, after being frisked, § 87(2)(b) and § 87(2)(b) acknowledged consuming marijuana prior to entering the vehicle but said that they finished it and did not have any more on them. Both § 87(2)(b) and § 87(2)(b) smelled of marijuana. PO Maurice added that the occupants in the vehicle are known to his command and that one of the individuals on the passenger side of the vehicle had been arrested for possession of a firearm within the last two to three years. PO Maurice also stated that § 87(2)(b) is affiliated with gang activity, that he interacted with § 87(2)(b) and § 87(2)(b) in the past, and that he recognized them after the initial refusal to lower the windows. PO Maurice did not elaborate on what gang § 87(2)(b) is affiliated with or what kind of activity he is known to be involved in.

Initially, PO Kogan did not mention detecting an odor of marijuana when he approached § 87(2)(b)'s vehicle. However, when questioned about an odor of marijuana, he stated that there was a strong

odor of marijuana emanating from the vehicle. He also did not mention anything about observing movement inside the vehicle as he approached. PO Kogan did not observe any bulges on the occupants' clothing because it was dark. After running § 87(2)(b)'s license, PO Kogan stood at the front of his RMP and began writing the summonses. PO Maurice remained at § 87(2)(b)'s vehicle. During that time, PO Levy and PO Souchak arrived. While still writing the summonses, § 87(2)(b) and § 87(2)(b) were removed from the vehicle. PO Kogan looked at the group occasionally and said that he observed officers frisk the occupants but could not articulate which officer(s) frisked which individual(s). PO Kogan did not observe PO Maurice or PO Levy search any occupants. PO Kogan saw doors being opened and observed officers look into § 87(2)(b)'s vehicle from the outside with their flashlights. When asked if he observed any officer leaning their bodies into the vehicle, PO Kogan stated that he "wasn't concentrating that much."

As noted above, PO Levy recalled responding to this job but did not recall any additional information about the encounter. PO Levy did not recall frisking or searching any individual and did not recall searching § 87(2)(b)'s vehicle. He did not recall observing any other officers take such actions. He did not recall smelling marijuana near § 87(2)(b)'s vehicle.

As also discussed above, PO Souchak had no independent recollection of this incident. He did not observe PO Maurice or PO Levy frisk any occupants and was not informed of any searches of the occupants. He did not recall if PO Maurice or PO Levy searched § 87(2)(b)'s vehicle. PO Souchak stated that if there was a discussion about the odor of marijuana on scene then he would have documented it in his memo book. None of the officers involved had any entries in their memo books regarding marijuana [BRs 12, 13, 14, and 15].

§ 87(2)(g)

#### Civilian and Officer CCRB Histories

- § 87(2)(b)
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been a party [BRs 17 and 18, respectively].
- PO Kogan has been a member-of-service for three years and has been a subject in two prior CCRB complaints and seven allegations, two of which were substantiated:

- 201705485 involved substantiated allegations of Discourtesy – Word and Abuse of Authority – Interference with a Recording Device. The Board recommended Command Discipline B for both allegations. The NYPD imposed Command Discipline A for both allegations.
- § 87(2)(g) [REDACTED]
- PO Maurice has been a member-of-service for five years and has been a subject in one prior CCRB complaint and one allegation, which was not substantiated. § 87(2)(g) [REDACTED]
- PO Levy has been a member-of-service for three years and has been a subject in six other CCRB complaints and 12 allegations, none of which were substantiated. § 87(2)(g) [REDACTED]

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- As of January 4, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint [BR 19].
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] have no history of convictions in New York City [BRs 20, 21, and 22, respectively].

Squad No.: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date